

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

KING MOUNTAIN TOBACCO
COMPANY, INC.; DELBERT
WHEELER, SR.; and THE
CONFEDERATED TRIBES AND
BANDS OF THE YAKAMA NATION,

Plaintiffs,

v.

ALCOHOL AND TOBACCO TAX
AND TRADE BUREAU; JOHN J.
MANFREDA, in his official capacity as
Administrator of the Alcohol and
Tobacco Tax and Trade Bureau;
UNITED STATES DEPARTMENT OF
THE TREASURY; and TIMOTHY
GEITHNER, in his official capacity as
the Secretary of the United States Dept.
of the Treasury,

Defendants.

NO: CV-11-3038-RMP

ORDER GRANTING
DEFENDANTS' MOTION TO
APPROVE STIPULATION AND
MOTION TO EXPEDITE

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AND MOTION TO EXPEDITE ~ 1

1 Before the Court are the Defendants' Motion to Approve Stipulation, ECF
2 No. 18, and the Defendants' Motion to Expedite, ECF No. 20. The court has read
3 the pleadings and the file and is fully informed.

4 On August 5, 2011, the Defendants filed a motion to dismiss the complaint,
5 ECF No. 9. The parties then moved for entry of an order, pursuant to a stipulated
6 agreement, modifying the briefing schedule on that motion. ECF No. 12. The
7 Court assented to modification of the briefing schedule and entered an order to that
8 effect. ECF No. 15. After entry of the Court's order, the Plaintiffs filed their First
9 Amended Complaint, ECF No. 16. The parties have now filed a new stipulation in
10 which the Defendant seeks to file a new motion to dismiss. ECF No. 17. The
11 parties have agreed to extend the deadline for responding to the First Amended
12 complaint, seek to modify the briefing schedule, and seek to modify the default
13 briefing length. ECF No. 17. The Defendants have now moved for entry of an
14 order giving effect to the stipulation and for an expedited hearing on that motion.

15 In light of the agreement of the parties and the proximity of the proposed
16 filing deadline, the Court finds that there is good cause to expedite the hearing.
17 Due to the length and complexity of the complaint, the Court welcomes a new
18 motion to dismiss and agrees that there is good cause to extend the page limits.
19 Finally, in light of counsel's unavailability until February, the Court finds that a

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1 hearing in February is appropriate and that the resulting time allows for
2 modification of the default briefing schedule.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. The Defendants' Joint Motion to Expedite, **ECF No. 20**, is **GRANTED**.

5 2. The Defendants' Motion to Approve Stipulation, **ECF No. 18**, is

6 **GRANTED**.

7 3. The Defendants' motion to dismiss Plaintiffs' First Amended Complaint
8 shall be filed on or before **October 12, 2011**.

9 4. The Defendants shall note the hearing on the motion to dismiss for

10 **Friday, February 10, 2010, at 11:00 a.m.**

11 5. The memorandum in support of the Defendants' motion to dismiss shall
12 not exceed **30 pages**.

13 6. The Plaintiff's response to the Defendants' forthcoming Motion to

14 Dismiss shall be filed on or before **November 11, 2011**.

15 7. The Plaintiff's response shall not exceed **30 pages**.

16 8. The Defendants' reply shall be filed on or before **December 12, 2011**.

17 9. The Defendants' reply shall not exceed **20 pages**.

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10. In light of the Plaintiffs' filing of their First Amended Complaint, the Defendants' Motion to Dismiss the original complaint, **ECF No. 9**, is **DENIED AS MOOT.**

IT IS SO ORDERED.

The District Court Executive is hereby directed to enter this Order and to provide copies to counsel.

DATED this 7th of October, 2011.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
Chief United States District Court Judge

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